

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW LITTLE,

Plaintiff,

v.

ANDREW OAKLEY, et al.,

Defendants.

No. 12-cv-6048 RBL

Order

[Dkts. #1]

**I. INTRODUCTION**

Before the Court is Plaintiff Matthew Little's application to proceed *in forma pauperis*. For the reasons set forth below, the Court denies the application.

**II. DISCUSSION**

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369

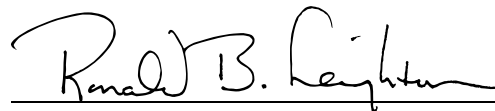
(9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984)).

Here, the Court must deny Plaintiff’s application because the Complaint fails to state a claim upon which relief can be granted. Plaintiff alleges that various persons slandered him by expressing their opinions regarding his behavior. He sues under the Fourteenth Amendment, claiming a violation of due process. The Fourteenth Amendment does not provide grounds for a slander claim. Additionally, slander is not a federal claim, and even if it were, it requires a statement of fact. *See, e.g., Albert v. Loksen*, 239 F.3d 256, 265–66 (2nd Cir. 2001). Plaintiff’s claim is frivolous.

### III. ORDER

For the reasons stated above, the Court **DENIES** the application to proceed *in forma pauperis* [Dkt. #1]. Plaintiff has **15 days** to pay the filing fees or the case may be dismissed.

Dated this 11th day of January 2013.



Ronald B. Leighton  
United States District Judge